

By: Roberts

H.B. No. 2926

A BILL TO BE ENTITLED

AN ACT

relating to legislative review and approval of state agency rules.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Legislative Review Act of 2017.

SECTION 2. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0321 to read as follows:

Sec. 2001.0321. LEGISLATIVE APPROVAL OF PROPOSED RULES REQUIRED. (a) A state agency shall file, on the same day it files notice with the secretary of state as required by Section 2001.023, a copy of each proposed rule, other than an emergency rule, with the officer or employee with whom bills are filed in each house of the legislature. After filing, the proposed rule shall be referred to a standing committee in the same manner as bills are referred, unless a house by rule provides for another manner of referral of agency rules. Each proposed rule must be referred to a standing committee before the 10th day after the date the rule is filed with the appropriate officer or employee of each house.

(b) Not later than the 30th day after the date a proposed rule is referred to a committee, the committee shall consider the rule at a committee meeting and vote on the rule. A proposed rule is approved by the unanimous vote of the committee's full membership. If the committee does not approve a proposed rule by unanimous vote of the committee's full membership, the rule is suspended. If a

1 proposed rule is suspended in committee, the committee shall, not
2 later than the third day after the date the rule is suspended:

3 (1) notify the state agency that proposed the rule of
4 the suspension; and

5 (2) file notice of the suspension with the secretary
6 of state for publication in the Texas Register.

7 (c) If a proposed rule is suspended in committee when the
8 legislature is in session, the chair of the committee shall give
9 written notice of the suspension to the presiding officer of the
10 appropriate house not later than the fifth day after the date the
11 rule is suspended. Not later than the 35th day after the date the
12 proposed rule is suspended in committee, the members of that house
13 shall vote on the rule. If a majority of members of that house vote
14 to approve the proposed rule, the rule is approved and the
15 committee's suspension terminates. If a majority of members of
16 that house do not vote to approve the proposed rule, the committee's
17 suspension remains in effect.

18 (d) If a proposed rule is suspended in committee when the
19 legislature is not in session, the secretary of state shall give
20 written notice of the suspension to the presiding officer of the
21 appropriate house during the first 10 days of the next regular
22 legislative session. Not later than the 30th day after the date the
23 notice is given, the members of that house shall vote on the
24 proposed rule. If a majority of members of that house vote to
25 approve the proposed rule, the rule is approved and the committee's
26 suspension terminates. If a majority of members of that house do
27 not vote to approve the proposed rule, the committee's suspension

1 remains in effect.

2 (e) Not later than the third day after the date a suspension
3 is terminated under Subsection (c) or (d), the presiding officer of
4 the appropriate house shall:

5 (1) notify the state agency that proposed the rule of
6 the suspension's termination; and

7 (2) file notice of the termination with the secretary
8 of state for publication in the Texas Register.

9 (f) A state agency may adopt a proposed rule only if the
10 rule:

11 (1) is approved by both committees to which it is
12 referred as provided by Subsection (b);

13 (2) was suspended in committee in only one house of the
14 legislature, and that house later votes to approve the rule; or

15 (3) was suspended in committee in both houses of the
16 legislature, and both houses later vote to approve the rule.

17 (g) During the time a proposed rule is suspended under this
18 section, the state agency that proposed the rule may not adopt a
19 rule or emergency rule containing the substance of the suspended
20 rule.

21 SECTION 2. Section 2001.0321, Government Code, as added by
22 this Act, applies only to a proposed state agency rule for which
23 notice of the rule as proposed is first published in the Texas
24 Register under Section 2001.023, Government Code, on or after the
25 effective date of this Act. A rule for which notice is published
26 before the effective date of this Act is governed by the law in
27 effect when the notice was published, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect January 1, 2018, but only
3 if the constitutional amendment proposed by the 85th Legislature,
4 Regular Session, 2017, authorizing the legislature to provide for
5 legislative review or approval of state agency rules is approved by
6 the voters. If that proposed constitutional amendment is not
7 approved by the voters, this Act has no effect.